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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,313	01/25/2002	Michael Schuman	MS/2	1916
21324	7590	10/06/2004	EXAMINER	
HAHN LOESER & PARKS, LLP			DAHBOUR, FADI H	
One Go To Plaza			ART UNIT	
Suite 300			PAPER NUMBER	
AKRON, OH 44313-1076			3743	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,313	<b>Applicant(s)</b> SCHUMAN, MICHAEL	
	<b>Examiner</b> Fadi H. Dahbour	<b>Art Unit</b> 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10 and 12-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-8,10,12-14 and 29 is/are allowed.
- 6) ☒ Claim(s) 15,17 and 24 is/are rejected.
- 7) ☒ Claim(s) 16,18-23 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*10/1/04*

### DETAILED ACTION

1. The Examiner acknowledges Applicant's submission of the amendment filed on 07/12/2004. Claims 1, 3, 5-8, 10, 12-29 are now pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 17, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Grim et al.

Grim discloses a method for minimizing hand and arm tremors in individuals suffering from a medical condition causing the tremors (Figs.1-17) comprising attaching an arm brace to an individual's arm (see "in one aspect of the invention... similar to a...brace" and "constrains and immobilizes the arm" in lines 3-4 and 21-22 of col.2), wherein the brace comprises a sleeve (see "sleeve" in line 1 of abstract) having a proximal end and a distal end and an anterior surface and a posterior surface (Figs.1-2), the sleeve further having an opening at the proximal end through which an arm may be inserted (Figs.1-2), a wrist portion positioned distally from the proximal opening (Figs.1-2), and a hand portion positioned distally from the wrist portion and including the distal end (Figs.1-2), the hand portion further having a first opening through which a hand of the arm is engaged (Figs.1-2), a first elongated support member secured to the posterior surface of the sleeve (30, 34 of Fig.1), the first member extending distally from near the proximal end of the sleeve (30,

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34 of Fig.1), and a second elongated member secured to the anterior surface of the sleeve (50, 51 of Fig.2), the second elongated member extending from the wrist portion of the sleeve to the distal end of the sleeve (50, 51 of Fig.2), further including at least one strap (see "straps" in lines 17-18 of abstract) secured to the hand or wrist portions of the sleeve and oriented perpendicularly to the elongated members and configured to circumferentially wrap around the hand or wrist portions of the sleeve upon engagement of the arm and hand within the sleeve (Figs.1-2), the hand portion further having a second opening positioned between the anterior and posterior surfaces of the sleeve and configured to engage a thumb of the hand engaged within the hand portion (Figs.1-2).

#### ***Allowable Subject Matter***

4. Claims 1, 3, 5-8, 10, 12-14, 29 are allowed.
5. Claims 16, 18-23, 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant argues that Grim et al does not disclose a method for minimizing hand and arm tremors in individuals suffering from a medical condition causing the tremors, or attaching an arm brace to an individual's arm, however, Grim et al discloses such (see "in one aspect of the invention...similar to a...brace" and "constrains and immobilizes the arm" in lines 3-4 and 21-22 of column 2 of Grim).

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
10/1/04

Fadi H. Dahbour  
Examiner  
Art Unit 3743